

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

R.D.J. A MINOR, BY NEXT FRIEND)
LUCIANA RACHELLE JACKSON)
D.D.J., A MINOR, BY NEXT FRIEND)
RANIKA LASHAWN JENKINS AND)
CHRISTINE DIXON)

Plaintiffs,)

v.)

Case No. 2:11-CV- 04123-FJG

CORRECTIONAL MEDICAL SERVICES,)
INC., JOHN DOE, M.D., RICHARD ROE,)
GARY GUARD, STEWART V. EPPS,)
LARRY CRAWFORD, FULTON)
RECEPTION & DIAGNOSTIC CENTER,)
SAM SOE, STATE OF MISSOURI AND)
STATE OF MISSOURI DEPARTMENT OF)
CORRECTIONS)

Defendants.)

ORDER

Currently pending before the Court is Plaintiffs' Motion for an Extension of Time to File a Healthcare Provider's Affidavit. (Doc. # 9), Defendant's State of Missouri, Missouri Department of Corrections, Fulton Reception and Diagnostic Center, and Larry Crawford Motion for Dismissal (Doc # 13) and Plaintiff's Motion to Dismiss Defendant's State of Missouri, Missouri Department of Corrections, Fulton Reception and Diagnostic Center and Larry Crawford. (Doc # 19).

Plaintiffs initially filed suit in Missouri State Court on March 18, 2011. Defendants removed the case to this Court on May 9, 2011. On June 9, 2011 Plaintiffs filed a Motion for An Extension of Time to File Healthcare Provider Affidavit. Pursuant to Mo. Rev. Stat. § 538.225 Plaintiffs' Healthcare Provider Affidavit is due 90 days after the filing of the suit. Plaintiffs have requested another 90 days to file such affidavit, arguing that they only recently obtained the necessary medical records from Defendant CMS.

Defendant CMS opposes the extension arguing that they have not been contacted by Plaintiffs, that the expert's identity need not be disclosed, and that Plaintiff's request is thus unreasonable. Plaintiffs replied, noting that Defendant has now provided the required records, and they are in the process of reviewing the records and contacting a physician to review and comment on the records. Plaintiff's argue therefore that a short extension would not represent an undue burden for Defendants.

The Court finds that Plaintiffs have shown good cause for extending the deadline. However, the Court does find the requested extension to be excessive. Accordingly, the Court hereby **GRANTS IN PART** Plaintiffs' Motion for an Extension of Time to File a Healthcare Provider's Affidavit. Plaintiff's shall have **until September 12th, 2011** in which to file the healthcare Provider Affidavit.

Also currently pending before the Court is Defendants State of Missouri, Missouri Department of Corrections, Fulton Reception and Diagnostic Center, and Larry Crawford's Motion for Dismissal. (Doc. # 13). In response, plaintiffs subsequently filed a Motion to Dismiss the above Defendants only, without prejudice (Doc.# 19). Accordingly, for good cause shown and with no opposition indicated, the Court hereby **GRANTS** Plaintiffs' Motion to Dismiss and **DISMISSES** the above Defendants without prejudice. As these Defendants have now been dismissed, the Court **DENIES** Defendant's Motion to Dismiss as **MOOT**. (Doc. # 13).

Date: July 28, 2011
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge